

REMARKS

Claims 6-24 were pending in the present application. Claim 7 has been canceled herein. Claims 6, 8-10, 12, 14, and 17-22 have been amended herein to be even more clear. No new matter has been added. Upon entry of the present amendment, claims 6 and 8-22 will remain pending.

Applicants acknowledge that three particular references recited on the Information Disclosure Statement have been lined through and not considered by the Examiner. Copies of these references are enclosed herewith. Applicants respectfully request that the references be considered and that the Examiner return an acknowledged copy of the IDS to Applicants with the next Office Action.

I. The Claimed Invention Is Not Obvious

Claims 6, 17, and 18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Drenckhahn et al., J. Biol. Chem., 1986, 261, 12754 (hereinafter, the "Drenckhahn reference"). Although Applicants disagree with the reasons set forth in the Office Action, solely to advance prosecution of the present application, the subject matter of canceled claim 7, which was not considered by the Examiner to be obvious in view of the Drenckhahn reference, has been introduced into claim 6. Claims 17 and 18 are dependent on claim 6. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn.

II. The Claims Are Clear And Definite

Claims 6-22 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Applicants traverse the rejection and respectfully request reconsideration because the claims are clear and definite.

The Office Action asserts that recitation of "stability" in claim 6 is indefinite. Although Applicants disagree, solely to advance prosecution of the present application, claim 6 has been amended to delete "for stabilizing a pyrene actin composition." Persons of ordinary skill would have no difficulty in determining whether a particular process meets the features recited in the

claim. Accordingly, claim 6 is definite within the meaning of §112. *In re Mercier*, 185 U.S.P.Q. 774 (C.C.P.A. 1975) (claims sufficiently define an invention so long as one skilled in the art can determine what subject matter is or is not within the scope of the claims).

The Office Action also asserts that recitation of “the composition of step (b)” in claims 7 and 8 lacks literal support. Although Applicants disagree with the reasoning in the Office Action, solely to advance prosecution, claim 6 has been amended to recite “thereby generating a second pyrene actin composition” and claim 8 has been amended to recite step c) “rapidly freezing the second pyrene actin composition.” Claim 7 has been canceled. Claim 8 is thus even more clear.

The Office Action asserts that recitation of “wherein the composition of step b) is rapidly frozen” in claim 8 is unclear. Although Applicants disagree with the reasoning in the Office Action, solely to advance prosecution, claim 8 has been amended to recite step c) “rapidly freezing the second pyrene actin composition.” Thus, claim 8 is even more clear.

Claim 9 is alleged to be indefinite because it recites “said frozen composition.” it refers to the composition of claim 8 which has been “frozen.” Thus, recitation of “said frozen composition” in claim 9 is an inherent feature of step (b) of claim 8. Although Applicants again disagree with the reasoning in the Office Action, solely to advance prosecution, claim 9 has been amended to recite step d) “lyophilizing the frozen second pyrene actin composition generated in step c.” Thus, claim 9 is even more clear.

The Office Action asserts that it is unclear in claim 12 to which of the compositions is being referred. Although Applicants again disagree with the reasoning in the Office Action, solely to advance prosecution, claim 12 has been amended to recite “the second pyrene actin composition is rapidly frozen in liquid nitrogen or a dry ice ethanol bath.” Thus, claim 12 is even more clear.

The Office Action asserts recitation of “said pyrene actin composition” in claim 17 is unclear as to which composition is being referred -- the composition of step a) or step b). Although Applicants again disagree with the reasoning in the Office Action, solely to advance prosecution, claim 17 has been amended to further recite “of step a).” Thus, claim 17 is even more clear.

The Office Action asserts that recitation of a concentration of sucrose in claims 18 and 19 is indefinite because it apparently is not clear whether any sucrose and/or stabilizing agent was present before mixing. Claim 6 recites that the pyrene actin composition is mixed with sucrose and a stabilizing agent. Claims 18 and 19 simply recite that the sucrose is present at 5% w/v and the stabilizing agent is present at 1% w/v. Clearly, these claims recite that the final concentration of the sucrose and stabilizing agent once mixed with the pyrene actin composition is 5% and 1% w/v, respectively. One of ordinary skill in the art would quite readily understand this. There may or may not be additional sucrose and/or stabilizing agent in the pyrene actin composition prior to mixing as recited in step b). The final concentration, however, is as recited in the claim. Although Applicants disagree with the reasoning in the Office Action, solely to advance prosecution, claims 18 and 19 have been amended to further recite “in the second pyrene actin composition.” Thus, claims 18 and 19 are even more clear.

The Office Action asserts that “A-buffer” should be defined in the claims. Although Applicants disagree with the reasoning in the Office Action, solely to advance prosecution, claim 20 has been amended to recite “in a buffer comprising 5 mM Tris pH 8, 0.2 mM CaCl₂, and 0.2 mM ATP.” Thus, claim 20 is even more clear.

The Office Action asserts that recitation of “the lyophilized pyrene actin composition” and “said resuspended pyrene actin composition” in claim 20 lacks antecedent basis. Claim 9 recites, in part, “d) lyophilizing the frozen second pyrene actin composition generated in step c.” As amended, claim 20 recites “e) resuspending the lyophilized and frozen second pyrene actin composition” ... “thereby generating a resuspended pyrene actin composition” and “f) incubating said resuspended pyrene actin composition on ice.” Thus, the phrases referred to by the Examiner in claim 20 have proper antecedent basis.


The Office Action asserts that recitation of “said resuspended actin” in claims 21 and 22 lacks antecedent basis. Claim 20 recites, in part, “thereby generating a resuspended pyrene actin composition.” Claims 21 and 22 have been amended to recite “said resuspended pyrene actin composition.” Thus, the phrase referred to by the Examiner in claims 21 and 22 has proper antecedent basis.

In view of the foregoing, claims 6-22 are clear and definite. The claims have not been narrowed by any amendment. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

III. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at (215) 665-6914 if there are any questions regarding Applicants' claimed invention. Applicants also request an interview if a Notice of Allowance is not forthcoming.

Respectfully submitted,


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Enclosures (3)

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